

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JESSE MCGRAW,)	
)	
Petitioner,)	NO. 13-CV-0643-B
v.)	[USDC # 09-cr-210-B]
)	
UNITED STATES OF AMERICA,)	
Respondent)	

ATTORNEY EDMUNDO ESPINOZA REQUEST FOR
HEARING
PURSUANT TO COURT ORDER DATED JULY 7, 2014
IN CASE NO. 09-CR-210-B

COMES NOW attorney EDMUNDO ESPINOZA and pursuant to the Honorable Jane J. Boyle's Order filed on July 7, 2014, in Criminal Case No. 09-CR-210-B above, Document # 116, Counsel requests a hearing to further develop counsel's motion filed on June 27, 2014, Document 4 in Case # 13-CV-643-B, advising the Court that counsel's former client, Jesse McGraw, had threatened him via some type of electronic attack to counsel's computers, telephones and/or electronic communications, obviously through outside third parties as he is incarcerated at the Beaumont FCI, Texas.

Last June 27, 2014, this counsel filed a motion with this Court, accompanied by a declaration under penalty of perjury, wherein this counsel expressed his concerns that Jesse McGraw had threatened him through the U.S. mail and that Jesse McGraw was going to retaliate against this counsel in some direct ways and other non-specific ways, however, he promised that somehow this counsel was going *"to end badly."*

While this counsel believes that whatever grievances a former client may have against his attorney can be channeled through civil administrative proceedings, these types of apparent threats should be reported to law enforcement authorities and recourse obtained possibly through

a court proceeding, in order to obtain some type of judicial protective order, if this Court may deem it proper.

The Honorable Jane J. Boyle, in her order, referred this matter to the Honorable Irma Ramirez, United States Magistrate Judge, for *hearing, if necessary, and recommendation or determination, to this Court.*” It is this counsel’s opinion that this Court felt that the Magistrate Judge may be able to review the letter, gather additional facts, inquire from this counsel, and hopefully hear from others including Leigh Johnson, who this counsel believes visits with Jesse McGraw at the FCI, Beaumont, Texas, and who this counsel believes may be McGraw’s connection to the outside world and McGraw’s right hand woman.

The crucial communication that gave rise to this counsel’s concerns is mainly one last letter written by Jesse McGraw on June 2, 2014, and received a few days later by counsel, where McGraw communicates specifics on why he is upset at this counsel and what he intends to do to him. What makes this letter threatening to counsel is that McGraw warns counsel the power that he has to make things happen, obviously through electronic means, and outside assistance, and by telling counsel specifically that counsel will end up “badly.”

Because this letter includes the names of third parties, this counsel has opted to first file this letter under seal and then have Magistrate Judge Ramirez review it and assess whether counsel’s perceived threats are factually supported. If so, then the Magistrate Judge can make recommendations, or determinations, which can then be reported back to this Court.

This counsel will serve this motion by U.S. mail to Jesse McGraw and serve Leigh Johnson via electronic mail at Lyra Sivertonge, keltic-gypsy@yahoo.com, and at P.O. Box 418, Grimesland, North Carolina 27837. It is felt that these two individuals will then have the opportunity to appear personally, or by mail, to answer these allegations.

It would obviously be at the discretion of Magistrate Judge Ramirez if a hearing is necessary.

Dated: July 16, 2014

/s/ *edmundo espinoza*
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Certificate of Service

I certify that on July 16, 2014, I filed the above document with the clerk of the United States District Court for the Northern District of Texas using this court's electronic case filing system. Also, I served Jesse McGraw via the United States mail by first class mail to the Federal Correctional Institution, FCC Complex (Low), P.O. Box 26020, Beaumont, Texas 77720 and served Leigh Johnson at P.O. Box 418, Grimesland, NC 27837 and keltic_gypsy@yahoo.com

/s/ *edmundo espinoza*
EDMUNDO ESPINOZA, attorney